



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

115

**RSA-5647-2015 (O&M)  
Date of decision : 04.08.2025**

**Prem Chand****..... Appellant****versus****Bachni Devi and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Aman Pal, Advocate  
for the appellant.

None for the respondents.

\*\*\*\*

**PANKAJ JAIN, J. (Oral)****CM-13748-C-2015**

This is an application for condonation of delay of 1001 days in filing the appeal.

For the reasons mentioned in the application, the same is allowed. Delay of 1001 days in filing the appeal stands condoned.

**Main case**

1. Defendant No.4 is in appeal.
2. Plaintiffs filed suit for partition of land measuring 5 kanal 11 marlas. Appellant-defendant No.4 claims common interest to the plaintiffs to maintain the present appeal. It has come on record that the parties to the *lis* are in separate established possession of their respective portions for last more than 25 years prior to the date of filing of suit. The same fact was admitted by plaintiff No.3 Satya Devi, who appeared as PW-1. It was admitted that the parties constructed their respective houses and are living separately in established possession of the



respective houses after they partitioned the land orally. It is in these circumstances that the Courts below found that the jointness of possession and ownership as claimed by the plaintiffs based upon revenue records stood rebutted. In view of the admitted fact, there being oral partition between the parties, the suit for separate possession by way of partition *sans merit*.

3. Counsel for the appellant has not been able to point out any evidence which can be read to undo and to ignore the admission made by plaintiff-Satya Devi.

4. Pure finding of fact has been recorded by the Courts below. Finding, no question of law involved, the present appeal is dismissed.

5. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

**(PANKAJ JAIN)**  
**JUDGE**

**04.08.2025**

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No